

The House Committee on Health and Human Services offers the following substitute to HB 1191:

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to require prescriptions for controlled substances and dangerous drugs to have the practitioner's name printed below the practitioner's signature on such prescriptions; to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to require a practitioner to have the practitioner's name printed below his or her signature; to change certain provisions relating to requirements for transmitting prescriptions electronically or via facsimile; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended by striking subsections (b) and (c) and paragraph (2) of subsection (d) of Code Section 16-13-41, relating to prescriptions, and inserting in lieu thereof the following:

"(b) When a practitioner writes a prescription drug order to cause the dispensing of a Schedule II substance, he or she shall include the name and address of the person for whom it is prescribed, the kind and quantity of such Schedule II controlled substance, the directions for taking, the signature, and the name, address, telephone number, and DEA registration number of the prescribing practitioner. Such ~~prescriptions~~ prescription shall be signed and dated by the practitioner on the date when issued, the printed name of the practitioner shall be printed below the practitioner's signature. and the nature of such ~~signatures~~ signature shall be defined in regulations promulgated by the State Board of Pharmacy. Prescription drug orders for Schedule II controlled substances may be

transmitted via facsimile machine or other electronic means only in accordance with regulations promulgated by the State Board of Pharmacy in accordance with Code Section 26-4-80 or 26-4-80.1, or in accordance with DEA regulations at 21 C.F.R. 1306.

(c) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon oral prescription of a registered practitioner, reduced promptly to writing, including the printed name of the practitioner which shall appear below the signature of the practitioner, and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Code Section 16-13-39. No prescription for a Schedule II substance may be refilled."

"(2) When a practitioner writes a prescription drug order to cause the dispensing of a Schedule III, IV, or V controlled substance, he or she shall include the name and address of the person for whom it is prescribed, the kind and quantity of such controlled substance, the directions for taking, the signature, and the name, address, telephone number, and DEA registration number of the practitioner. Such ~~prescriptions~~ prescription shall be signed and dated ~~or may be issued orally~~ by the practitioner on the date when issued or may be issued orally, the printed name of the practitioner shall be printed below the practitioner's signature, and the nature of the signature of the prescriber shall meet the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the State Board of Pharmacy, or both such guidelines and regulations."

SECTION 2.

Said article is further amended by striking subsection (a) of Code Section 16-13-74, relating to written prescriptions for dangerous drugs, the content, and signature, and inserting in lieu thereof the following:

"(a) All written prescription drug orders for dangerous drugs shall be dated as of, and be signed on, the date when issued and shall bear the name and address of the patient, together with the name and strength of the drug, the quantity to be dispensed, complete directions for administration, the printed name, address, and telephone number of the practitioner, and the number of permitted refills. The printed name of the practitioner shall be printed below the practitioner's signature. A prescription drug order for a dangerous drug is not required to bear the DEA permit number of the prescribing practitioner. A prescription drug order for a dangerous drug may be prepared by the practitioner or the practitioner's agent. The practitioner's signature must appear on each prescription prepared by the practitioner or the practitioner's agent and the nature of the practitioner's signature must appear above the printed name of the practitioner and meet the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the State Board of Pharmacy, or both such guidelines and

1 regulations. Any practitioner who shall dispense dangerous drugs shall comply with the
2 provisions of Code Section 16-13-73."

3 **SECTION 3.**

4 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing
5 prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled
6 substance prescriptions, is amended by striking subsection (b) and inserting in lieu thereof
7 a new subsection (b) and by striking subparagraph (c)(2)(G) and inserting in lieu thereof a
8 new subparagraph (c)(2)(G) to read as follows:

9 "(b) Prescription drugs shall be dispensed only pursuant to a valid prescription drug order.
10 All written prescription drug orders shall have the name of the practitioner printed below
11 the practitioner's signature. A pharmacist shall not dispense a prescription which the
12 pharmacist knows or should know is not a valid prescription."

13 "(G) The signature of the practitioner in a manner as defined in regulations
14 promulgated by the board or, in the case of a controlled substances prescription, in
15 accordance with 21 C.F.R. 1301.22; the name of the practitioner shall be printed below
16 the practitioner's signature;"

17 **SECTION 4.**

18 All laws and parts of laws in conflict with this Act are repealed.